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memory in which a plurality of prerecorded sounds are digitally stored for selectable replay and  
(2) a connector member for connection with said digital sound relaxation device.

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REMARKS

By the above-identified office action, claims 1-13 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting, allegedly in that the scope of claims 1-18 "reads on" that of the claims 1-7 and 10-13 of copending US utility application 08/706,134 of the same inventive entity as herein; claims 1-18 have been rejected under 35 USC 103 as obvious over Loudermilk in view of Grewe et al; and the examiner has taken judicial notice that "audio signals stored in a loop format or a sound bite format are well known in the art and therefore would have been obvious since they are all known alternative formats that audio signals could be stored in."

By the instant amendment, the independent claim 13 has been canceled without prejudice, and the independent claims 1, 5, 10, 13, 14, 15, and 17 have been amended to better define the invention and to further patentably distinguish over the art of record. Specifically, the independent claims 1 and 14, drawn to the inventive aspects of a digital sound relaxation system and collectable sound card, the independent claims 5 and 15, drawn to the inventive aspects of a digital sound relaxation system matable with a collectable sound card, and the independent claims 10 and 17, drawn to the inventive aspects of a collectable sound card matable with a digital sound relaxation system, have each been amended to now call for continuous, perpetual uninterrupted replay of individual sounds selected for replay. No new matter has been added.

During the course of a telephone interview of March 20, 1998, hereby gratefully acknowledged, the double patenting rejection was discussed. It was pointed out that the claims 1-7 and 10-13 of copending application 08/706,134 are all drawn to the inventive aspect of concurrent replay of sounds selected for replay while none of the claims 1-18 of the above-

identified application are drawn to that feature. As such, it was agreed that the claims 1-18 of the instant application do not in fact cover the same scope as the claims 1-7 and 10-13 of copending application 08/706,134, and it was further agreed that the double patenting rejection for that reason would be reconsidered and withdrawn. However, the claims 1-7 and 10-13 of copending application 08/706,134 have been canceled without prejudice in an amendment filed in that case, rendering moot further discussion of the double patenting rejection.

During the course of the telephone interview of March 20, 1998, the prior art rejection of the independent claims as obvious over Loudermilk in view of Grewe et al. was also discussed, and it was pointed out that neither Loudermilk nor Grewe et al. disclose a digital sound relaxation device capable of continual, perpetual uninterrupted replay of individual sounds selected for replay as in the invention of the independent claims 1, 5, 10, 14, 15, and 17 as now amended. Except for independent claim 13 which was not discussed, it was initially indicated that so amending the claims would patentably distinguish over Loudermilk in view of Grewe et al. provided further search did not uncover more material prior art. During the course of the interview, the obviousness of the inventive aspects of the improved-customizability digital sound relaxation system of the present invention was discussed in general terms -- without regard to any particular prior art references. The Examiner pointed out that because internal and external memories are well-known in computer systems in general, if one wanted to improve the customizability of digital sound relaxation systems, it would be obvious to use external memory. The applicant respectfully pointed out that this "if" was based in impermissible hindsight. While internal and external memories as such and in general are known in computer systems, there must be some objective suggestion or teaching -- other than impermissible hindsight -- to combine internal and external memories in the way taught by the applicant to improve the customizability of digital sound relaxation systems. The applicant does not claim to invent internal and external memories; nor do internal and external memories in general and as such teach or suggest the inventive aspects of the improved-customizability digital sound relaxation system of the independent claims 1, 5, 10, 14, 15 and 17 as now amended. The applicant accordingly respectfully requested that during

re-search, the Examiner not impermissibly use the applicant's specification as the blueprint by which to determine obviousness during re-search.

The Traversal Of the 103 Rejection Over Loudermilk In View of Grewe et al.

Loudermilk discloses a picture frame having an audio message circuit. User-programmable audio messages may be stored in the memory of the audio message circuit or preprogrammed audio messages may be stored therein. The audio message associated with a picture, such as the user-programmed voice of a mother associated with her picture or the preprogrammed sound of a lion associated with the picture of a lion, are played and replayed one at a time whenever a switch assigned to each picture is actuated by the user.

Grewe et al. disclose a semiconductor chip music player matable with a remote which offloads from the music player content information stored in the headers of the semiconductor chips to allow the remote to make remote content-related music selections. The audio player itself has a music tray in which the semiconductor music chips are received. Each chip functions like a record or CD, and the semiconductor chip player functions like a record player or multi-disc CD player. If there are no semiconductor music chips present in the music tray, the audio player has no music to play.

Since Loudermilk discloses internal memory in an audio message circuit that stores audio messages associated with one or more pictures but as such does not disclose or suggest any need for external memory, while Grewe et al discloses an external semiconductor chip music memory that functions as a record or CD in its semiconductor chip audio player but as such does not disclose or suggest any need for internal memory, absent impermissible hindsight, there is no objective reason to be found in the combined references that warrants their combination to provide a device that somehow has both internal and external memory. Since Loudermilk's picture frame is complete with its internal audio message circuit, while Grewe et al. is complete with its external semiconductor chip audio player, no reason except impermissible hindsight motivates their combination. For these reasons alone, the rejection of the instant independent claims as obvious

over Loudermilk in view of Grewe et al. is respectfully traversed and its reconsideration and withdrawal are respectfully requested.

Furthermore, even if combined, the combination does not teach or suggest the instant invention. Since neither Loudermilk's picture frame with internal audio message circuit nor Grewe et al.'s external semiconductor music chip audio player with remote teach or suggest a digital sound relaxation device capable of continuous, perpetual uninterrupted play of individual sounds selected for replay and therefore certainly not such a device that allows the user to customize their collection of sounds to individual taste as in the instant invention, it is respectfully submitted that, absent impermissible hindsight, the combination fails to teach or even remotely suggest the use of a collectable sound card in the manner taught by the applicant to provide the inventive aspects of the improved-customizability digital sound relaxation system of the instant invention. For these additional reasons, the 103 rejection of independent claims 1, 5, 10, 14, 15 and 17 must be respectfully traversed and its withdrawal is hereby respectfully requested.

Applicant has canceled without prejudice independent claim 13 rendering moot further discussion of the rejection thereof. It should be noted, however, in connection with the Examiner's official notice that sound bite and loop format are well known in the art that the independent claim 13 is not merely drawn to sound bite format data storage. Rather, the claim 13 recites sound bite storage of different self-contained and complete-in-themselves versions of the same preselected sound at different groups of addressable memory locations. As explained in the specification at pages 15 and 16, different portions of the same, for example, thunderclap, sound are thereby made available for replay in a manner that effectively simulates nature and prevents user's perception of and annoyance at non-natural sounding sounds.

Since the independent claims are for the foregoing reasons now believed to be in allowable condition, further discussion of the dependent claims is believed to be rendered moot.

The applicants have reviewed the art cited but not applied and believe the claims 1-12 and 14-18 to be readily patentably distinguishable thereover.

For the foregoing reasons, claims 1-12 and 14-18 are now believed to be in readily allowable condition. Reexamination, reconsideration and early allowance thereof are accordingly respectfully requested.

The applicants appreciate the Examiner's detailed consideration of the instant application and the telephone interview of March 20, 1998 and respectfully invite the Examiner to telephone the undersigned attorney to discuss any remaining matter that could help to facilitate the further prosecution of the instant application.

Respectfully submitted,

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